

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

DAVID WILLIAM JAI HERDER,

Defendant.

CRIMINAL NO. 21cr15-SAG

**(Distribution of Child Pornography, 18
U.S.C. § 2252(a)(2); Forfeiture, 18
U.S.C. § 2253, 21 U.S.C. § 853(p), 28
U.S.C. § 2461(c))**

INFORMATON

COUNT ONE

(Distribution of Child Pornography)

The United States Attorney for the District of Maryland charges that:

On or about June 15, 2020, in the District of Maryland, the defendant,

DAVID WILLIAM JAI HERDER,

did knowingly distribute any visual depiction using any means and facility of interstate and foreign commerce, and that had been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so mailed, shipped and transported, by any means including by computer, and knowingly reproduced any visual depiction for distribution using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and through the mails, the production of which involved the use of a minor engaged in sexually explicit conduct and such depiction being of such conduct, that is, the defendant distributed a visual depiction of a minor engaging in sexually explicit conduct, including, but not limited to the below listed and described image, which was distributed using a computer, the defendant's iPhone, across the internet, using the application and program "Kik": an image that depicted a prepubescent female with her mouth on/near an adult female's vagina as an adult male's penis penetrates her vagina.

18 U.S.C. §§ 2252(a)(2) and (b)(1).

FORFEITURE ALLEGATION

The United States Attorney for the District of Maryland further charges that:

1. Pursuant to Federal Rule of Criminal Procedure 32.2, notice is hereby given to the Defendant that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 2253, 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), as a result of the Defendant's conviction under Count One of this Information.

2. Pursuant to 18 U.S.C. § 2253, upon conviction of the offense set forth in Count One of this Information, the defendant,

DAVID WILLIAM JAI HERDER,

shall forfeit to the United States:

a. any visual depiction described in Title 18, United States Code, sections 2251, 2251A, 2252, 2252A, or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;

b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and

c. any property, real or personal, used or intended to be used to commit or to promote the commission of the offense, or any property traceable to such property.

The property to be forfeited includes, but is not limited to, the following:

a. Apple iPhone model A1688, seized from the home of David Herder in Ijamsville, Maryland on August 20, 2020.


Substitute Assets

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and 28 U.S.C. § 2461(c).

18 U.S.C. §§ 2253
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)



Robert K. Hur
United States Attorney